

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

Bail Appl..No. 879 of 2007()

CRIME NO.420/CR./05 CBCID, TRIVANDRUM
CRIME NO.316/C.B.-191/03 OF MUSEUM POLICE STATION
.....

: PETITIONER/ACCUSED NO.1.

M.V.MANI, S/O.VARKEY,
MOOLAMATTAM HOUSE, OONUKAL P.O.
KUTTAMANGALAM VILLAGE, KOTHAMANGALAM.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.A.V.TELLES
SRI.VIJO JOSE
SRI.JOSE THOMAS (PEEDIKAYIL)

RESPONDENTS: COMPLAINANT.

1. STATE OF KERLA, REPRESENTED BY THE
SUPERINTENDENT OF POLICE, CB CID,
THIRUVANANTHAPURAM, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. STATE OF KERALA, REPRESENTED BY THE
SUPERINTENDENT OF POLICE, CB CID, THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

* ADDL. 3. ISSAC JOHN, S/O.JOHN,
AGED 61 YEARS,
PATTANIPARAMBIL HOUSE,
KRISHNAPURAM,
KAYAMKULAM.
(IMPLEADED AS ADDL.R3 BY ORDER DT.14.2.2007)

BY DGP. SRI.P.G.THAMPI
SRI.JOHNSON MANAYANI(ADDL.R3)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

.....
B.A. No. 879 OF 2007
.....

Dated this the 14th day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the first accused in Crime No.420/Cr./05 CBCID Thiruvananthapuram (Crime No.316/C.B.-191/03 of Museum Police Station) for offences punishable under Sections 406, 407, 468, 419, 120 (b), 403, 420 and 471 read with section 34 I.P.C., seeks anticipatory bail.

2. The case of the prosecution is that while the petitioner was serving as Managing Director of Kanyakumari Plantations at Radhapuram in Tirunelveli in Tamil Nadu, he had cheated the de facto complainant by creating a forged Power of Attorney and executing a document of sale in respect of 35.45 acres of land.

3. I heard the learned counsel for the petitioner, the learned counsel for the additional 3rd respondent, who is the de facto complainant, and Sri.P.G.Thampi, the Director General of Prosecution.

4. It is admitted by all sides that the matter has since been settled between the parties concerned as evidenced by Annexure-A2

and that the de facto complainant is not desirous of prosecuting the matter further.

5. Having regard to the nature of the allegations levelled against the petitioner and the other circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioner on bail for a period of one month in the event of his arrest in connection with the above case on his executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

- a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
- b. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.
- c. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

d. Petitioner shall not commit any offence while on bail.

e. Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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